IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 400 of 2007

M/S.BANSHI LAL BISHNOI
V/S
STATE & ORS.

Mr. DD THANVI, for the appellant / petitioner

Date of Order : 22.2.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

It was contended that vide Annex.1, the petitioner was not granted any short term permit for excavation or removal of ordinary earth, and the work undertaken by him was only under Pradhan Mantri Gramin Sadak Yojana, wherein there was no requirement of excavating or carrying any ordinary earth, therefore, the demand raised is wholly illegal.

I have considered the submission.

Suffice it to say that a look at Annex.10, being a notice given on behalf of the petitioner under Section 80 CPC, does show that in para-2 thereof, it has been alleged that the petitioner used 2100.8 cubic meter of ordinary earth. Not only this, in para-3 of this Annex.10, the petitioner clearly offered to be ready to pay the payable royalty being Rs.44143/-.

That being the position, I do not find any sufficient ground to interfere in favour of the petitioner. The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

/tarun/